

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 567 - SB 1088

March 8, 2021

SUMMARY OF ORIGINAL BILL: Requires the Attorney General and Reporter (AG) to disapprove an emergency rule if the emergency rule does not meet the statutory criteria for adoption of the rule under the *Uniform Administrative Procedures Act* (the Act).

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004236): Deletes and rewrites all language after the enacting clause without making any substantive changes to the legislation.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 4-5-211, the AG cannot disapprove an emergency rule solely on the basis that the emergency rule does not follow the statutory criteria for adoption, unless the rule was determined to be legally invalid.
- The AG reviews the legality and constitutionality of every rule filed under the Act and determines approval or disapproval based on such.
- Pursuant to Tenn. Code Ann. § 4-5-208, an agency is authorized to adopt an emergency rule if the agency finds immediate danger to public health, the rule only delays another rule not yet effective, or the rule is required by the Constitution, court order, federal government for funding purposes, or General Assembly.
- The number of rules estimated to be disapproved of by the AG for adoption without meeting the statutory criteria is minimal; therefore, no significant impact to state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive style with a large, stylized 'B' and 'S'.

Bojan Savic, Interim Executive Director

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